

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

**LAKAISHA GALLAHER,**  
**Plaintiff,**

**v.**

**SOUTHERN TUBE FORM, LLC, *et al.*,**  
**Defendants.**

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**No. 3:12-CV-169  
(Phillips)**

**MEMORANDUM OPINION**

On April 30, 2012, the Honorable C. Clifford Shirley, Jr., filed a Report and Recommendation (R&R) [Doc. 4] in which he recommended that plaintiff's complaint be dismissed under 28 U.S.C. § 1915, as frivolous, for failure to state a federal claim upon which relief can be granted, but without prejudice to the plaintiff's rights to refile her state claims in state court. Plaintiff has filed an objection and amended complaint in response to the magistrate judge's R&R [Docs. 5, 6].

In recommending that the complaint herein be dismissed, the magistrate judge notes that this matter is identical to the complaints filed by plaintiff in two previous cases, Gallaher v. Southern Tube Form, LLC, Civil Action No. 3:09-CV-234 filed May 27, 2009, and Gallaher v. Southern Tube Form, LLC, Civil Action No. 3:06-CV-326 filed August 28, 2006. The parties in the these cases are identical, as are the claims, which stem from the plaintiff's alleged discriminatory termination in November 2005 by her employer,

defendant Southern Tube Form, LLC. The court granted summary judgment to defendants in Civil Action No. 3:06-CV-326 and dismissed plaintiff's claims on September 17, 2007. The record shows that plaintiff filed an appeal with the Sixth Circuit, but her appeal was denied. Plaintiff then sought a writ of certiorari from the Supreme Court, but that request was denied. The second action, Gallaher v. Southern Tube Form, LLC, Civil Action No. 3:09-CV-234, was dismissed by the court on August 25, 2009. Thus, the magistrate judge found that plaintiff's claims have been fully adjudicated on the merits, and plaintiff's instant complaint is barred by the doctrine of claim preclusion.

Because the instant complaint alleges the same causes of action as were alleged and dismissed in Civil Actions Nos. 3:06-CV-326 and 3:09-CV-234, the doctrine of claim preclusion prohibits the relitigation of those causes of action. The court being in complete agreement with the magistrate judge, the Report and Recommendation [Doc. 4] filed by the Honorable C. Clifford Shirley, United States Magistrate Judge, on April 30, 2012, is hereby **ACCEPTED IN WHOLE** whereby plaintiff's complaint is **DISMISSED**, but without prejudice to plaintiff's rights to refile her state claims in the proper state court.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge